

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

DEBORAH S. ELROD,

Plaintiff,

VS.

JO ANNE B. BARNHART,
Commissioner, Social Security
Administration,

Defendant.

NO. CIV-05-100-T

ORDER

Plaintiff brought this action pursuant to 42 U.S.C. §405(g) for review of the decision of the Commissioner of Social Security Administration denying plaintiff's application for Social Security disability benefits. Upon review by this court, that decision was reversed and remanded for a supplemental administrative hearing.

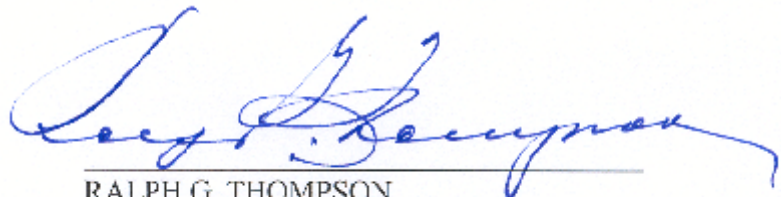
Plaintiff has now filed a motion [Doc. No. 19] and brief in support [Doc. No. 20] for an award of attorneys fees pursuant to 28 U.S.C. § 2412(d), the Equal Access to Justice Act (“EAJA”). EAJA permits an award of attorneys fees to a prevailing plaintiff in certain actions against the government, including Social Security claims. As a “prevailing party” within the meaning of EAJA, plaintiff is entitled to an award of reasonable attorney fees.

Plaintiff's counsel submits supporting documentation for the requested award of \$3,472.00 for services performed in this case; the fee is based on hourly rates approved by the Social Security Administration during the relevant time period. Defendant has filed a response, stating that there is no

objection to a fee award in the amount requested.

The court has reviewed the documentation of the work performed and the applicable hourly rates and time incurred and finds that both are fair and reasonable under EAJA. Therefore, in accordance with the governing law and the record in this case, the court finds that plaintiff's motion for attorneys fees [Doc. Nos. 19 and 20] is GRANTED. Plaintiff shall recover a total of \$3,742.00, payable to the law firm of Kyle J. Saunders, Esq., P. O. Box 1605, Ada, Oklahoma 74820.

IT IS SO ORDERED this 29th day of September, 2005.



RALPH G. THOMPSON
UNITED STATES DISTRICT JUDGE

